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In re Application of :  
HUTCHINSON, Daniel Mark et al. :  
US Application No.: 10/031,059 : DECISION  
PCT Application No.: PCT/US00/19115 :  
Int. Filing Date: 13 July 2000 : UNDER  
Priority Date: 16 July 1999 :  
Attorney's File Reference: RCA 89694 : 37 CFR 1.47(a)  
For: METHOD AND APPARATUS FOR :  
PROVIDING DUAL AUTOMATIC GAIN :  
CONTROL DELAY SETTINGS IN A :  
TELEVISION RECEIVER :

This decision is in response to applicants' "RENEWED PETITION UNDER 37 CFR 1.47(a) ONE INVENTOR NOT AVAILABLE", filed 16 April 2003.

BACKGROUND

On 18 March 2002, this Office mailed a communication explaining that neither the declaration filed on 28 May 2002 nor the declaration filed on 10 February 2003 were acceptable since the names of one or more co-inventors had been crossed out in each.

On 16 April 2003, the applicants filed the present "Renewed Petition Under 37 CFR 1.47(a) One Inventor Not Available" which is accompanied by, inter alia, 1) a declaration listing all four co-inventors Daniel Mark Hutchinson (Hutchinson), Gary Dean Grubbs (Grubbs), Matthew Thomas Mayer (Mayer), and Ricardo Haro (Haro) but which is signed only by Hutchinson, Grubbs, and Mayer and 2) a copy of an email message dated 03 April 2003 and sent from Haro to Davida Fornorotto (Fornorotto) indicating that Haro would be willing to sign the declaration.

### DISCUSSION

37 CFR 1.47(a) states:

If a joint inventor refuses to join in an application for patent or cannot be found or reached after diligent effort, the application may be made by the other inventor on behalf of himself or herself and the nonsigning inventor. The oath or declaration in such an application must be accompanied by a petition including proof of the pertinent facts, the fee set forth in § 1.17(h), and the last known address of the non-signing inventor. The nonsigning inventor may subsequently join in the application by filing an oath or declaration complying with § 1.63.

Applicants have not provided proof that non-signing inventor Haro either refuses to join in the application or cannot be found or reached after diligent effort. In fact the email message sent from Haro to Fornorotto on 03 April 2003 indicates that Haro is willing to sign the declaration. Applicants are required to file a declaration signed by co-inventor Haro. Alternatively, applicants are required to provide the last known address of non-signing inventor Haro and proof that Haro refuses to join in the application or cannot be found or reached after diligent effort.


### CONCLUSION

For the above reasons, applicants' petition under 37 CFR 1.47(a) is **DISMISSED** without prejudice.

A proper response must be filed within **ONE (1) MONTH** from the mail date of this communication. No extensions of time may be obtained under 37 CFR 1.136.

Applicant is advised that, as of May 1, 2003, the Office changed its correspondence address. Any further correspondence with respect to this matter deposited with the United States Postal Service should be addressed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

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